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WOOD COUNTY CLERK
COMMON PLEAS COURT

2018 AUG 23 P 12:13

IN THE WOOD COUNTY COURT OF COMMON PLEAS

CINDY A. HOFNER

DENNIS AND SUSAN HANKINS
3801 CAHNMBERLAIN DR.
LAMBERTVILLE, MI. 48144,

PLAINTIFFS

Vs.

PETER BOSCH
2900 EAST BELTLINE AVE.
NE, STE. A
GRAND RAPIDS, MI. 49525

AND

BOSCH KILLMAN VANDERWAL, P.C.
2900 EAST BELTLINE AVE. NE, STE. A
GRAND RAPIDS, MI. 49525

AND

AUTO-OWNERS INSURANCE
700 HAMMOND R. EAST, STE. 100
TRAVERSE CITY, MI. 49686,

DEFENDANTS

Case No. 2018CV0480

JUDGE JUDGE REGER

COMPLAINT AND JURY DEMAND
ENDORSED HEREON

Michael D. Portnoy (0040213)
810 West South Boundary Rd.
Perrysburg, Ohio 43551
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e-mail: hawkport@aol.com
Attorney for Plaintiffs

NOW COME Plaintiffs, by and through counsel and for the causes of action
against the Defendants, hereby states the following:

1. At all relevant times, Plaintiffs are residents of Lambertville, Michigan.
2. This Court has subject matter jurisdiction in this case as the cause of action
arose in Wood County, Ohio.



3. Defendants Peter Bosch and Bosch Killman Vanderwal, P.C. are attorneys licensed to practice law in the State of Michigan and at all relevant times, represent Auto-Owners.

4. Defendant Auto-Owners is an insurance company licensed to sell insurance throughout the United States.

5. Plaintiffs filed suit against Jeffrey Dupilka and Auto-Owners in the Manistee County Michigan Court of Common Pleas, Case No. 17-16278 for injuries Plaintiff Dennis Hankins suffered on Jeffrey Dupilka's property. Auto-Owners was sued in this case based upon alleged fraud.

6. In July, 2018, Auto-Owners was summarily dismissed from the lawsuit and the Defendants filed a motion with supporting memorandum seeking to recover attorney fees and costs after they tendered an offer of judgment that was rejected. This motion with supporting memorandum was mailed to the undersigned and received in Perrysburg, Ohio. (See Defendants motion with supporting memorandum for fees and costs attached as Exhibit 1.)

7. As part of Defendants' motion with supporting memorandum to recover attorney fees and costs, Defendant Bosch (hereinafter Bosch) signed an affidavit on Defendants' behalf stating the billing statements he provided to the undersigned and filed with the Manistee County Court accurately reflected the fees and costs Defendants incurred and were seeking to recover from the Plaintiffs. (See Bosch's affidavit attached to Defendants' motion with supporting memorandum to recover fees and costs.)

8. In August, 2018, upon the undersigned questioning Bosch regarding his

allegedly accurate billing statements for time he attested to was allegedly his work time spent on the case, Bosch admitted his times statements were "mistaken" and sought to reduce his demand for attorney fees and costs.

9. Further investigation of Bosch's time statements indicates Bosch was "mistaken" for alleged time spent on the case, yet Defendants still seek to recover attorney fees and costs they are not legally entitled to receive.

10. Pursuant to R.C. 2923.32(A)(1), the Ohio civil RICO statute, "No person employed by, or associated with enterprise shall conduct or participate in, directly or indirectly, the affairs of the enterprise through a *pattern of corrupt activity* or the collection of an unlawful debt." (Emphasis added.) The term "enterprise" is statutorily defined as "any individual, sole proprietorship, partnership, limited partnership, corporation, trust, union, government agency, or other legal entity, or any organization, association, or group of person associated in fact although not a legal entity." R.C. 2923.31 (C).

11. A "pattern of corrupt activity" consists of "two or more incidents of corrupt activity, whether or not there has been a prior conviction, that are related to the affairs of the same enterprise, are not isolated, and are not so closely related to each other and connected in time and place that they constitute a single event." R.C. 2923.31(E). The term "corrupt activity" is statutorily defined as "racketeering activity" under the Organized crime Control Act of 1970, 84 Stat. 941, Section 1961(A)(B), (1)(D), and (1)(E), as amended, Title 18, U.S. Code. It also includes "conduct" that constitutes violation of specifically enumerated crimes. R.C. 2923.31(I) (2).

12. Ohio courts have held that in order to establish liability under R.C. 2923.32, a plaintiff must show "(1) that conduct of the defendant involves the commission of two

or more specifically prohibited state or federal criminal offenses; (2) that the prohibited criminal conduct of the defendant constitutes a pattern; and (3) that the defendant has participated in the affairs of an enterprise or has acquired and maintained an interest in or control of an enterprise.” Patton v. Wilson, 8th Dist. No. 82079, 2003-Ohio-3379, at ¶ 12, citing Kondrat v. Morris (1997), 118 Ohio App.3d 198, 209, 692 N.E.2d 246. The elements must be pleaded with specificity, and sufficient evidence must be presented to overcome a motion for summary judgment. *Id.* at 209, 692 N.E.2d 246.

13. Ohio Revised Code Section 2913.02 states the following:

(A) No person, with purpose to deprive the owner of property or services, shall knowingly obtain or exert control over either the property or services in any of the following ways:

- (1) Without the consent of the owner or person authorized to give consent;
- (2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;
- (3) By deception;
- (4) By threat;
- (5) By intimidation;

14. 18 U.S.C. Sections 1961-1968, of the Federal Racketeering Influence and Corrupt Organization Act (RICO) is directed at “racketeering activity” defined in Section 1961 (1) to encompass, inter alia, acts “indictable” under specific federal criminal provisions, including mail fraud, provides in Section 1964 (c) for a private civil action to recover treble damages by any person injured in his/her business or property “by reason of a violation of section 1962.” Section 1962(B)’s definition of “racketeering

activity” includes (B) any act which is indictable under any of the following provisions for Title 18, United States Code, including section 1341 (18 U.S.C.S. Section 1341) relating to mail fraud.

15. Pursuant to Sedema, S.P.R.L. v. Imrex Co. Inc., et al., 473 U.S. 479, (1985), 18. U.S.C.S. Sections 1961-1968 do not require that its occurrence must be established by criminal standards or that the consequences of a finding of liability in a private civil action are identical to the consequences of a criminal connection. Sedima also held that 18 U.S.C.S. Sections 1961-1968 impose no distinct “racketeering injury” requirement or civil liability to attach.

16. By using the mail send to Plaintiffs the motion with supporting memorandum to recover attorney fees and that contained repeated materially false representations in Defendants’ billing statements regarding the accuracy of the statements, Defendants made material misrepresentations concerning the accuracy of these statements.

17. These Defendants, individually and jointly and severally, violated Ohio Revised Code Sections 2923.32(A)(1), 2923.31(C), (E), and (I)(2) and 18 U.S.C.S. Sections 1961-1968 by using the mail system to send notices and civil complaints to the Plaintiffs,

18. These Defendants engaged in this fraudulent enterprise through a pattern of racketeering activity by scheming to convince the Plaintiffs they need to pay Defendants attorney fees and cost, knowing the billing statements were false. Defendants sought to benefit financially from this pattern of fraud to Plaintiffs financial detriment causing damages in an amount exceeding \$25,000.00.

COUNT TWO

19. Plaintiffs incorporates paragraph one (1) through eighteen (18) as if fully rewritten herein.

20. Plaintiffs are consumers as defined by Ohio Revised Code Section 1345.01.

21. Ohio Revised Code Section 1345.02 (A) states that “[n]o supplier shall commit an unfair or deceptive act or practice in connection with a consumer transaction.”

22. Ohio Revised Code Section 1345.03 (A) provides that “[n]o supplier shall commit an unconscionable act or practice in connection with a consumer transaction.”

23. State and Federal courts in Ohio have held that the Ohio Consumer Sales Practices Act applies to debt collectors, to litigation activities and to the debt collectors’ attorneys. See Hartman v. Asset Acceptance Corp., 467 F.Supp.2d 769, 780 (S.D. Ohio 2004), Taylor v. First Resolution Invest. Corp., Slip Opinion No. 2016-Ohio-3444, June 16, 2016.

24. As a result of the Defendants’ material misrepresentations to Plaintiffs concerning the attested to accuracy of the attorney fees and costs of the billing statements, these Defendants have violated Ohio Revised Code Sections 1345.02 and 1345.03 by acting arbitrarily, capriciously and fraudulently, causing damages to Mr. Clemons and the Plaintiffs in an amount exceeding \$25,000.00.

COUNT THREE

25. Plaintiffs incorporate paragraphs one (1) through twenty-four (24) as if fully rewritten herein.

26. The Fair Debt Collection Practices Act (15 U.S.C. Section 1692 et seq.) prohibits debt collectors from employing “any false, deceptive, or misleading representation or means in connection with the collection of any debt,” including misrepresenting “the character, amount, or legal status of any debt.” (15 U.S.C. 1692e (2) (A))

27. A debt collector may not employ any “unfair or unconscionable means to collect or attempt to collect any debt,” (15 U.S.C. 1692 (f)) and cannot collect “any amount (including any interest, fee, charge, or expense incidental to the principal obligation) unless such amount is expressly authorized by the agreement creating the debt or permitted by law,” (15 U.S.C. 1692 (f)(1))

28. When analyzing whether conduct giving rise to the claim fits within the broad scope of the Fair Debt Collection Practices Act, “the conduct is viewed through the eyes of the ‘least sophisticated consumer.’” Currier v. First Resolution Invest. Corp., 762 F.3d. 529, 533 (6th Cir. 2014). That standard, while protecting “the gullible and the shrewd alike,” also presumes “a basic level of reasonableness and understanding on the part of the debtor.” *Id.*

29. To establish a prima facie case for a violation of the Fair Debt Collection Practices Act, a plaintiff must prove four (4) essential elements:

- (a) the plaintiff is a natural person who is harmed by violations of the Fair Debt Collection Practices Act, or is a “consumer” within the meaning of 15 U.S.C.S.A. Sections 1692 (a) (3), 1692 (d) for purpose of a cause of action, 15 U.S.C.A. Section 1692 (c) or 15 U.S.C.A. Section 1692 (e) (11);

- (b) the "debt" arises out of a transaction entered primarily for personal, family or household purposes, 15 U.S.C.A. Section 1692 (a) (5);
- (c) the defendant collecting the debt is a "debt collector" with the meaning of 15 U.S.C.A. Section 1692(a) (6); and
- (d) the defendant has violated, by act or omission, a provision of the Fair Debt Collection Practices Act, 15 U.S.C.A. Sections 1692 (a)-1692 (o); 15 U.S.C.A. Section 1692(a); 15 U.S.C.A. Section 1692(k).
(See Whittiker v. Deutsche Bank Natl. Trust Co., 605 F.Supp.2d 914, 938-939 (N.D. Ohio 2009)

30. A plaintiff need not demonstrate he or she suffered actual damages in order to prevail on a Fair Debt Collection Practices Act claim; the Fair Debt Collection Practices Act "places the risk of penalties on the debt collector that engages in activities which are not entirely lawful, rather than exposing consumers to unlawful debt-collector behavior without a possibility for relief." Stratton v. Portfolio Recovery Assocs., L.L.C., 770 F.3d 443, 449 (6th Cir. 2014)

31. Courts have characterized the Fair Debt Collection Practices Act as a strict liability statute. Fed. Home Loan Mtge. Corp v. Lamar, 503 F.3d 504, 513 (6th Cir. 2007) To establish liability, a plaintiff does not have to prove knowledge or intent of the debt collector. Wise v. Zwicker & Assocs., P.C., 780 F.3d 710, 712-713 (6th Cir. 2015)

32. The Fair Debt Collection Practices Act reaches the actions of "debt collectors," an inclusive statutory term that covers third-party debt collectors as well as attorneys who regularly engage in debt-collection activities, including litigation to collect debts owed and allegedly owed by consumers. 15 U.S.C.A. Section 1692 (a) (6); Heintz v. Jenkins, 514 U.S. 291, 293-294, 297-299 (1995)

33. Plaintiffs are consumers and natural persons for purposes of their cause of actions. The alleged debts arise out of a transaction primarily for personal, family or

collected purposes. The defendants collecting the alleged debts are "debt collectors" with the meaning of 15 U.S.C.A. Section 1692 (a) (6)

34. These defendants, individually and jointly and severally have violated the Fair Debt Collection Practices Act and the Ohio Consumer Sales Practices Act by fraudulently stating the National Collegiate Student Loan Trust is the legal assignee of purported promissory notes.

35. As a result of the defendants' illegal actions, plaintiffs have been damaged in amount exceeding \$25,000.00

WHEREFORE, Plaintiffs request that a jury be empaneled to hear all triable issues in this case and respectfully requests this honorable Court for a Judgment against the Defendants as follows:

- a. The Plaintiffs recover all monies due to them from the Defendants, either individually or jointly and severally, under the Ohio and Federal RICO statutes, the Ohio Consumer Sales Practice Act and for violating Fair Debt Collection Practices Act;.
- b. The Plaintiffs be awarded damages instant to the equitable relief requested in the sum of an amount exceeding \$25,000.00;
- c. This Court award the sum exceeding for punitive damages, statutory interest, and any other equitable relief this Court deems just based upon the illegal and willful acts by the Defendants; and
- d. Any and all damages this court deems just.

Respectfully submitted,

s/ Michael D. Portnoy
Attorney for Plaintiffs

BOSCH KILLMAN VANDERWAL, P.C.
ATTORNEYS AND COUNSELORS

DAISY BENAVIDEZ
STEVEN L. BIRN
PETER D. BOSCH
ROBERT M. BROWNLEY
STEPHEN L. ELKINS
KURT R. KILLMAN
ANDREA REMYNSE KOOP*
JOSEPH P. VANDERVEEN
LARRY D. VANDERWAL
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DALE M. STRAIN, RETIRED

*ALSO LICENSED IN FLORIDA

**ALSO LICENSED IN
CALIFORNIA AND MONTANA

August 13, 2018

VIA OVERNIGHT MAIL

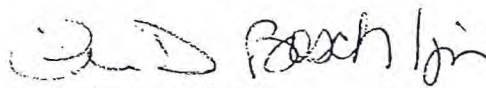
Clerk of the Court
Manistee County Circuit Court
415 3rd Street
Manistee, MI 49660

RE: Dennis and Susan Hankins v. Jeff Dupilka and Auto-Owners
Case No: 17-16278-NI

Dear Clerk:

Enclosed for filing in the above-captioned matter, please find an original and Judge's Copy of Defendant Auto-Owners' Motion for Offer of Judgment Sanctions and Notice of Hearing. Also enclosed is a Proof of Service and \$20 Motion fee. Please note the hearing on this matter has been scheduled for **September 10, 2018, at 1:30 p.m.** Thank you.

Respectfully yours,



Peter D. Bosch

/jn
Enclosures

c: Mike Portnoy
Michael Conlon

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MANISTEE

DENNIS and SUSAN HANKINS,

Plaintiff,

Case No: 17-16278-NI

v.

Hon. David A. Thompson

JEFF DUPILKA and
AUTO-OWNERS INSURANCE,

Defendants.

Misty Wood (P81167)
Mike Portnoy
Attorney for Plaintiff
810 W. South Boundary Street
Perrysburg, OH 43551
(567) 249-3629

Peter D. Bosch (P35965)
Bosch Killman VanderWal, P.C.
Attorneys for Defendant Auto-Owners
2900 E. Beltline Avenue NE, Suite A
Grand Rapids, MI 49525
(616) 364-2900

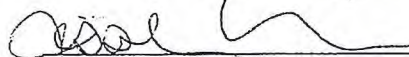
Michael I. Conlon (P43954)
Running Wise & Ford PLC
Attorneys for Defendant Duplika
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(231) 946-2700

PROOF OF SERVICE

Jessika Nink, an employee of the law firm of Bosch Killman VanderWal, P.C., says that on August 13, 2018 she sent a copy of the **Defendant Auto-Owners' Motion for Offer of Judgment Sanctions and Notice of Hearing** via email *and* first class mail and email to the following:

Mike Portnoy
810 W. South Boundary Street
Perrysburg, OH 43551

Michael I. Conlon
Running Wise & Ford PLC
326 E State Street
PO Box 686
Traverse City, MI 49685-0686



Jessika Nink

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF MANISTEE

DENNIS and SUSAN HANKINS,

Plaintiff,

Case No: 17-16278-NI

v.

Hon.

JEFF DUPILKA and
AUTO-OWNERS INSURANCE,

Defendants.

Misty Wood (P81167)
Attorney for Plaintiff
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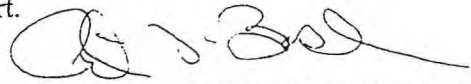
Peter D. Bosch (P35965)
Bosch Killman VanderWal, P.C.
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(616) 364-2900

Michael I. Conlon (P43954)
Running Wise & Ford, PLC
Attorneys for Defendant Dupilka
326 E. State Street, P.O. Box 686
Traverse City, MI 49685

NOTICE OF HEARING

Please take notice that Defendant Auto-Owners' Motion for Offer of Judgment Sanctions will be heard on Monday, September 10, 2018, at 1:30 p.m. or as soon thereafter as counsel can be heard in the Manistee County Circuit Court.

Dated: August 13, 2018



Peter D. Bosch (P35965)
Attorney for Auto-Owners

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF MANISTEE

DENNIS and SUSAN HANKINS,

Plaintiff,

Case No: 17-16278-NI

v.

Hon. David A. Thompson

JEFF DUPILKA and
AUTO-OWNERS INSURANCE,

Defendants.

Misty Wood (P81167)
Attorney for Plaintiff
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Peter D. Bosch (P35965)
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Michael I. Conlon (P43954)
Running Wise & Ford, PLC
Attorneys for Defendant Dupilka
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Traverse City, MI 49685

MOTION FOR OFFER OF JUDGMENT SANCTIONS

Defendant, Auto-Owners Insurance Company, by and through its attorneys, Bosch Killman VanderWal, P.C., makes this its Motion for Offer of Judgment Sanctions pursuant to MCR 2.405(D) and states as follows:

1. Plaintiffs filed the at-issue lawsuit against Defendant Jeff Dupilka and Mr. Dupilka's homeowner's insurance carrier, Auto-Owners Insurance Company, as a result of an incident that occurred on November 16, 2016, at a cottage on Bear Lake that the Plaintiffs were renting from Defendant Dupilka. Mr. Hankins claims that he injured his left shoulder when he

stepped on the edge of a step leading from the cottage's mudroom to the kitchen. He indicated that when he stepped on the edge of the step, it flipped up and he fell injuring his right shoulder. He subsequently had surgery on the shoulder.

2. The Plaintiff's lawsuit against Mr. Dupilka claims that the step was defective and posed an unreasonably dangerous condition on the property, allegedly making Mr. Dupilka liable for Mr. Hankins' injuries. Before suit was filed, the Plaintiffs' attorney had contacted Auto-Owners to discuss the claim and eventually Auto-Owners denied the claim for a number of reasons. The Plaintiffs' lawsuit against Auto-Owners asserted that Auto-Owners' denial of the Plaintiffs' claim was unreasonable and that in doing so, Auto-Owners had violated the Michigan Insurance Code.

3. On August 4, 2017, the attorney for Auto-Owners Insurance Company sent the Plaintiffs' attorney an "Offer of Judgment" in the amount of \$750 (see Exhibits A and B). Along with the official pleading, Auto-Owners' attorney included a letter in which he indicated he felt the Plaintiffs' claim against Auto-Owners was without merit and also indicated he thought there was a very good chance the case would be dismissed on a Motion for Summary Disposition (see Exhibit C).

4. The Plaintiffs' attorney, Mike Portnoy, was sent another letter on August 10, 2017, which referenced a telephone conversation the two attorneys had had earlier, during which the Plaintiffs' attorney was again warned that Auto-Owners intended to seek reimbursement of attorney fees pursuant to the Offer of Judgment if it prevailed in a Motion for Summary Disposition (see Exhibit D).

5. That the Offer of Judgment was not accepted; nor was a counter-offer submitted.

6. At a hearing held on July 16, 2018, this Court granted Auto-Owners' Motion for Summary Disposition. The Court held that the Plaintiffs did not have a valid claim against Auto-

Owners. An Order encompassing the Court's ruling was entered on July 24, 2018 (see **Exhibit E**).

7. Auto-Owners is now seeking Offer of Judgment Sanctions pursuant to MCR 2.405(D). This court rule indicates that a request for costs under this court rule must be filed and served within 28 days after entry of a Judgment or Order. The court rule also indicates that "actual costs" means the costs and fees taxable in a civil action and a reasonable attorney fee for services necessitated by the failure to stipulate to the entry of a Judgment (see MCR 2.405(A)(6)).

8. Michigan case law provides that reasonable attorney fees are to be awarded when an Offer of Judgment has been rejected and the party submitting the Offer subsequently prevails in the lawsuit, pursuant to MCR 2.405. Michigan courts have indicated that there is a "interest of justice" exception to awarding attorney fees, but the court in *Stitt v. Holland Abundant Life Fellowship*, 243 Mich App 461 (2000) indicated that this exception should only apply in unusual circumstances such as where there is an unsettled nature of the law, which is not the situation in the case at bar.

9. Auto-Owners is entitled to Offer of Judgment Sanctions based upon the Plaintiff's rejection of the Offer of Judgment amount of \$750.

10. Auto-Owners' attorney, Peter D. Bosch has been practicing law for 34 years and has attached hereto as **Exhibit F** an Affidavit indicating his hourly rate and experience in handling this type of case and others.

11. Attached hereto as **Exhibit G** is a 2017 Michigan Bar Journal article with tables indicating the reasonableness of fees in various jurisdictions throughout the state of Michigan, including Manistee County.

12. Auto-Owners requests attorney fees in the amount of \$18,450.00, calculated at a rate of \$300 per hour for 61.5 hours plus costs in the amount of \$1,754.71, as set forth in Exhibit H. Exhibit H is billing statements from Auto-Owners' attorney to the company. Defendant Auto-Owners is requesting fees for all charges made after August 24, 2017. This would include .4 hours of time from the September 11, 2017 statement and the full hourly amounts of all attorney fees and costs on all subsequent billing statements. In addition, Attorney Bosch believes he will incur 5 additional hours of his time for the hearing on his Motion for Offer of Judgment Sanctions, which includes travel time to and from Manistee, review of his file in preparation for the Motion, attendance at the Motion itself and then preparation of an Order regarding the Motion results, as well as the costs of said Motion and travel expenses. The Motion cost is \$20. The anticipated mileage expense calculated at the IRS rate is \$138.98 and 5 hours at a reasonable fee of \$300, results in an additional \$1,638.98. Finally, this Defendant believes it is entitled to paralegal fees of Attorney Bosch's assistant Jessika Nink for 2.9 hours at the rate of \$85 per hour for a total of \$246.50.

13. The Court will note from the billing statements that travel time from the office of Mr. Bosch to various hearings has been limited to one hour maximum charge each way, pursuant to Bosch Killman's arrangement with the Traverse City branch claims office of Auto-Owners. The actual travel time was more (approximately 2 ½ hours one way from Grand Rapids to Traverse City and upwards of 2 hours one way from Grand Rapids to Manistee).

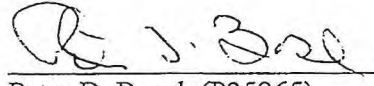
14. The Plaintiff has submitted a payment in the amount of \$1,500 for previously ordered discovery sanctions, which should be deducted from the fees and costs requested.

WHEREFORE, Defendant Auto-Owners Insurance Company requests this Honorable Court to grant it Offer of Judgment Sanctions against the Plaintiffs in the amount of \$20,610.19, which includes attorney fees in the amount of \$18,450, plus costs in the amount of \$1,754.71,

paralegal costs of \$246.50, plus an additional \$1638.98 for the time and expense of this Motion, plus the \$20 Motion fee, less \$1,500 in sanctions already paid by the Plaintiffs, for the reasons set forth herein.

Respectfully Submitted:
Bosch Killman VanderWal, P.C.

Dated: 8/13/18



Peter D. Bosch (P35965)
Attorney for Auto-Owners

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MANISTEE

DENNIS and SUSAN HANKINS,

Plaintiff,

Case No: 17-16278-NI

v.

Hon. Jill M. Nowak

JEFF DUPILKA and
AUTO-OWNERS INSURANCE,

Defendants.

Misty Wood (P81167)
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Peter D. Bosch (P35965)
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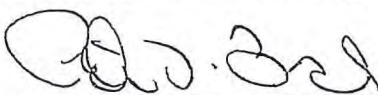
Michael I. Conlon (P43954)
Running Wise & Ford, PLC
Attorneys for Defendant Dupilka
326 E. State Street, P.O. Box 686
Traverse City, MI 49685

DEFENDANT AUTO-OWNERS' OFFER OF JUDGMENT

The Defendant, Auto-Owners Insurance Company, by and through its attorneys, Bosch Killman VanderWal, offers to settle the Plaintiff's claim against this Defendant for the sum of \$750.00. This figure includes all costs, fees and interest that the Plaintiff may have incurred to date. This offer is submitted pursuant to MCR 2.405.

Respectfully submitted:
Bosch Killman VanderWal, P.C.

Dated: 8/4/17



Peter D. Bosch (P35965)
Attorney for Defendant Auto-Owners

Ex. A

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF MANISTEE

DENNIS and SUSAN HANKINS,

Plaintiff,

v.

Case No: 17-16278-NI

Hon. David A. Thompson

JEFF DUPILKA and
AUTO-OWNERS INSURANCE,

Defendants.

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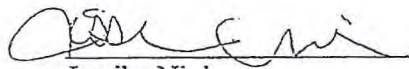
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Attorneys for Defendant Duplika
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(231) 946-2700

PROOF OF SERVICE

Jessika Nink, an employee of the law firm of Bosch Killman Vanderwal, P.C., says that on August 4, 2017 she sent a copy of the Defendant Auto-Owners Insurance Company's Offer of Judgment to Plaintiff via first class mail with postage paid to the following:

Misty Wood
810 W. South Boundary Street
Perrysburg, OH 43551



Jessika Nink

Ex. B

BOSCH KILLMAN VANDERWAL, P.C.
ATTORNEYS AND COUNSELORS

DAISY BENAVIDEZ
STEVEN L. BIRN
PETER D. BOSCH
ROBERT M. BROWNLEY
STEPHEN L. ELKINS
KURT R. KILLMAN
ANDREA REMYNSE KOOP
JOSEPH P. VANDERVEEN
LARRY D. VANDERWAL
JENNIFER M. VAN HORN-PFEIFFELMANN
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1-800-238-8494

DALE M. STRAIN, RETIRED

* ALSO LICENSED IN
CALIFORNIA AND MONTANA

August 4, 2017

Ms. Misty Wood
810 W. South Boundary Street
Perrysburg, OH 43551

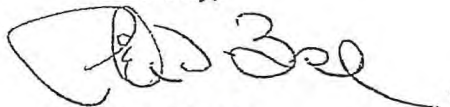
RE: Dennis and Susan Hankins v. Jeff Dupilka and Auto-Owners
Case No: 17-16278-NI

Dear Ms. Wood:

Enclosed is an Offer of Judgment from my client, in the amount of \$750. I believe this figure would cover your court costs, service fee and \$500 towards your clients' attorney fees and/or to put in his pocket.

You may think the Offer of Judgment amount is relatively nominal, but I believe it is more than what your clients' claim is worth. In short, I believe your clients' claim against Auto-Owners, Mr. Dupilka's insurance carrier, is without merit. I believe there is a very good chance that the Court will dismiss this case on a Motion for Summary Disposition. I would like to avoid the time and expense though that will be incurred between now and then and that is the basis for the Offer of Judgment.

Sincerely,



Peter D. Bosch

PDB/jn
Enclosure

c: Matt Sheidler (Claim No: 300-335551-2016)

-Providing Legal Services for More Than 100 Years-

EX. C

BOSCH KILLMAN VANDERWAL, P.C.
ATTORNEYS AND COUNSELORS

DAISY BENAVIDEZ
STEVEN L. BIRN
PETER D. BOSCH
ROBERT M. BROWNLEY
STEPHEN L. ELKINS
KURT R. KILLMAN
ANDREA REMYNSE KOOP
JOSEPH P. VANDERVEEN
LARRY D. VANDERWAL
JENNIFER M. VAN HORN-PFEIFFELMANN
CHARLES H. WORSFOLD
JOHN C. WORSFOLD*

2900 EAST BELTLINE AVENUE, NE, STE. A
GRAND RAPIDS, MI 49525

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SOUTH HAVEN OFFICE:
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(269) 637-9097
1-800-238-8494

DALE M. STRAIN, RETIRED

*ALSO LICENSED IN
CALIFORNIA AND MONTANA

August 10, 2017

Mr. Mike Portnoy
810 W. South Boundary Street
Perrysburg, OH 43551

RE: Dennis and Susan Hankins v. Jeff Dupilka and Auto-Owners
Case No: 17-16278-NI

Dear Mr. Portnoy:

This letter is a follow-up to our telephone conversation on Tuesday afternoon. As I indicated at that time, you were apparently sent an email from Andrea Adams of the Home-Office Legal Department regarding the med-pay coverage. That email should not have been included in the documents received, as I believe it is attorney/client privilege.

As I also indicated, it is my understanding that the med-pay coverage is often times not paid when suit is filed or there is a threat of a lawsuit, as the medical bills can then be addressed in any legal proceedings. It is my understanding that med-pay coverage is a "public relations" benefit for insureds, I don't believe Mr. Dupilka opposes the fact that the med-pay coverage has not been paid by his insurance carrier, in light of your client's claim against him.

As I indicated during our telephone conversation, I believe that your client may have a valid claim against Mr. Dupilka, but I do not believe your client has a valid claim against his insurance carrier. I don't believe the carrier owes any duties or obligations to your client.

I don't believe the result would be any different if Mr. Dupilka did not have insurance coverage. If you spoke with his personal attorney, as opposed to his insurance carrier, would you then sue the attorney if you couldn't get the claim resolved?

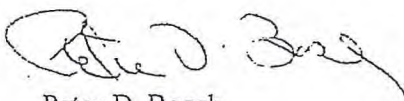
-Providing Legal Services for More Than 100 Years-

EX D

Mr. Mike Portnoy
August 10, 2017
Page 2

At any rate, as I indicated during our telephone conversation, it is my intent to seek recovery of my actual attorney fees incurred in defending the lawsuit in the event I am able to prevail on a Motion for Summary Disposition (which I intend to file after the close of discovery), if your client does not accept our Offer of Judgment.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter D. Bosch", written in a cursive style.

Peter D. Bosch

PDB/jn

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF MANISTEE

DENNIS and SUSAN HANKINS,
Plaintiff,

Case No: 17-16278-NI

v.

Hon. David A. Thompson

JEFF DUPILKA and
AUTO-OWNERS INSURANCE,
Defendants.

Michael Portnoy
Attorney for Plaintiff
810 W. South Boundary Street
Perrysburg, OH 43551
(567) 249-3629

Peter D. Bosch (P35965)
Bosch Killman VanderWal, P.C.
Attorneys for Defendant Auto-Owners
2900 E. Beltline Avenue NE, Suite A
Grand Rapids, MI 49525
(616) 364-2900

TRUE COPY
JILL M. NOWAK
Manistee County Clerk

Michael I. Conlon (P43954)
Running Wise & Ford, PLC
Attorneys for Defendant Dupilka
326 E. State Street, P.O. Box 686
Traverse City, MI 49685

ORDER REGARDING MOTIONS,
INCLUDING AUTO-OWNERS' MOTION FOR SUMMARY DISPOSITION

At a session of said Court held in the Circuit Court,
City of Manistee, County of Manistee, State of
Michigan, this 24th day of July, 2018

PRESENT: HON. David A. Thompson
Circuit Court Judge

This matter having come before the Court on July 16, 2018, pursuant to Auto-Owners' Motion for Summary Disposition and Other Relief, and the Court having reviewed the pleadings, heard oral argument from counsel and being duly advised in the premises;

IT IS THEREFORE ORDERED as follows:

1. That Plaintiffs had filed a Motion to Adjourn Auto-Owners' Motion for Summary Disposition but the Motion was not scheduled for hearing. That Motion is denied and

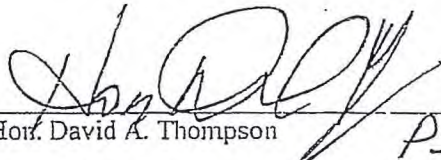
EX. E

consequently will not be heard on August 13, 2018.

2. Auto-Owners' Motion for Summary Disposition is granted pursuant to MCR 2.116 (C)(8) for the reasons stated by the Court on record.

3. Within seven (7) days after entry of this Order, the Plaintiffs shall pay to Auto-Owners through its attorney the One Thousand Five Hundred Dollars (\$1,500.00) ordered pursuant to the Court's Order on Auto-Owners' Motion to Compel issued on November 6, 2017.

4. Based on the Court's rulings as referenced herein, there is no need to decide at this point in time the issue of Attorney Portnoy's ability to continue representing the Plaintiffs in this case.

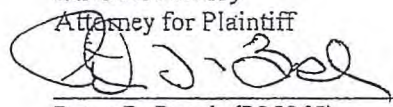

Hon. David A. Thompson P52090

ATTEST: A TRUE COPY

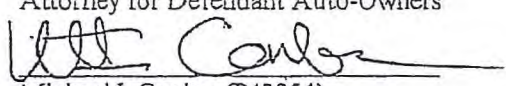
APPROVED AS TO FORM ONLY:

See attached
Michael Portnoy

Attorney for Plaintiff


Peter D. Bosch (P35965)

Attorney for Defendant Auto-Owners


Michael I. Conlon (P43954)

Attorney for Defendant Dupilka

consequently will not be heard on August 13, 2018.

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4. Based on the Court's rulings as referenced herein, there is no need to decide at this point in time the issue of Attorney Portnoy's ability to continue representing the Plaintiffs in this case.

Hon. David A. Thompson

ATTEST: A TRUE COPY

APPROVED AS TO FORM ONLY:

Michael Portnoy

Attorney for Plaintiff

Peter D. Bosch (P35965)
Attorney for Defendant Auto-Owners

Michael I. Conlon (P43954)
Attorney for Defendant Dupilka

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF MANISTEE

DENNIS and SUSAN HANKINS,

Plaintiff,

Case No: 17-16278-NI

v.

Hon. David A. Thompson

JEFF DUPILKA and
AUTO-OWNERS INSURANCE,

Defendants.

Misty Wood (P81167)
Attorney for Plaintiff
810 W. South Boundary Street
Perrysburg, OH 43551
(567) 249-3629

Peter D. Bosch (P35965)
Bosch Killman VanderWal, P.C.
Attorneys for Defendant Auto-Owners
2900 E. Beltline Avenue NE, Suite A
Grand Rapids, MI 49525
(616) 364-2900

Michael I. Conlon (P43954)
Running Wise & Ford, PLC
Attorneys for Defendant Dupilka
326 E. State Street, P.O. Box 686
Traverse City, MI 49685

AFFIDAVIT OF PETER D. BOSCH

Peter D. Bosch, after first being duly sworn, deposes and states as follows:

1. That I represented Auto-Owners in the above-entitled lawsuit.
2. That I am familiar with the facts and circumstances of this case.
3. That I have filed a Motion for Offer of Judgment Sanctions on behalf of Auto-Owners.
4. Attached to the Motion as Exhibit H are copies of my billing statements sent to Auto-Owners.

Ex F

5. That I have been practicing law for 34 years. My current standard rate is \$300 per hour.

6. That I estimate I will spend 5 hours or more traveling to and from the court in Manistee for a hearing on the Motion for Offer of Judgment Sanctions, which I filed on behalf of Auto-Owners, plus preparing for the Motion, attending the hearing and subsequently drafting an Order regarding the results of the hearing.

7. That I believe a fee of \$300 is reasonable based upon the time I spent on this file, my experience and the result achieved.

Further deponent sayeth not.

Dated: 8/13/18



Peter D. Bosch

The foregoing instrument was acknowledged before me this 13 day of August 2018, by Peter D. Bosch.



Jessika Nink, Notary Public
Kent County, Michigan
Acting in Kent County
My Commission Expires: 04/03/2019

STATE BAR OF MICHIGAN

2017 Economics of Law Practice
Attorney Income and Billing Rate Summary Report

SBM
State Bar of Michigan

EX. 6

STATE BAR OF MICHIGAN

ECONOMICS OF LAW PRACTICE 2017

Contents

Economics of Law Practice in Michigan

2017 Attorney Income and Billing Rate Summary Report

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2017 Economics of Law Practice in Michigan

2017 Attorney Income and Billing Rate Summary Report

The survey was conducted in 2017 and requested 2016 income and 2017 billing rate information

The State Bar of Michigan Economics of Law Practice Survey provides Michigan attorneys with a resource that allows access to the most current law practice economic information available. The survey results are provided as a service to members of the State Bar of Michigan.

The survey has two primary objectives:

- To provide timely, relevant and accurate information to inform and guide the practical management decisions of Michigan attorneys
- To track and illustrate changes and trends within the legal profession

The survey monitors and reports on several points of information useful to attorneys:

- Attorney income
- Prevailing average hourly billing rates by several indicators including fields of practice, judicial circuit, and geographic location
- Time allocated to billable and non-billable professional activities
- Management practices
- Perceptions regarding current and future economic circumstances related to the practice of law

The key finding report contains information pertaining to attorney income and billing rates. It is produced as an early and separate report to provide attorneys with this target information as quickly as possible, as it is the most requested information from all attorneys. All other information will be contained in the full 2017 Economics of Law Practice Summary Report that will follow.

Methods and Measures

The 2017 Economics of Law Practice Survey was conducted in late 2017. In 2017 45.3 percent of active members were private practitioners and 54.7 percent were non-private practitioners. Based on the proportions of both groups of active members, an electronic survey was emailed to approximately 18,414 private practitioners and 22,236 non-private practice members of the State Bar of Michigan, inviting their participation. 3,843 completed questionnaires were returned by private practitioners (a 20.9 percent response rate) and 2,088 completed questionnaires were returned by non-private practitioners (a 9.4 percent response rate). Questionnaires were tabulated by Dr. James McComb, an independent consultant statistician.

To help interpret the information presented in the surveys the following is a brief description of statistical terms of measures of central tendency (median and mean) and measures of dispersion (spread).

Mean—The mean (also called the average) is calculated by adding the values of all responses then dividing by the number of responses. Example: Three responses (30, 1, 2) are reported. The average or mean is calculated by adding $30+1+2=33$ and then by dividing by $3 = 11$.

Median—The median is the middle value in a series or distribution of values (50th percentile, which is initially rank-ordered (from low to high or vice versa). By definition half of the numbers are greater and half are less than the median. Example: Three responses (30, 1, 2) are reported. The median is the middle number of the order of distribution (1, 2, 30), or 2. By comparison, the average of this distribution as shown above is 11.

Use of the median as a statistical metric of central tendency reduces the effects of 'outliers' (extremely high or low values, such as the data point of 30 in the previous example) while the average does not. Median values are utilized throughout the survey results to denote the measure of central tendency.



STATE BAR OF MICHIGAN

ECONOMICS OF LAW PRACTICE 2017

Percentiles—In addition to the median, four other percentile values are used in the survey results to reveal the spread of a particular data distribution. The percentiles include:

- 25th percentile—Also referred to as the "lower quartile." One-fourth of the values are less and three-fourths are more than this value.
- Median or 50th percentile—Half of the values are less and half are more than the "median" value.
- 75th percentile—Also referred to as the "upper quartile." Three-fourths of the values are less and one-fourth are more than this value.
- 95th percentile—Ninety-five percent of the values are less and five percent of the values are more than this value.

Note of clarification: Extreme values (multiple thousands per hour) were excluded due to their unrepresentative qualities; eight were excluded for reporting \$6,500 or above per hour.



STATE BAR OF MICHIGAN

ECONOMICS OF LAW PRACTICE 2017

I 2016 Attorney Income**Table 1 – 2016 Reported Attorney Gross Income – Private Practitioners**

	N	25 th Percentile	Median	Mean	75 th Percentile	95 th Percentile
Sole Practitioner, office outside of home	825	60,000	109,000	153,358	200,000	400,000
Sole Practitioner, working out of home office	610	10,000	32,000	59,806	75,000	225,000
Sole Practitioner, sharing space	197	50,000	100,000	197,158	185,000	435,000
Managing Partner	243	150,000	290,000	982,083	600,000	2,500,000
Equity Partner/Shareholder	606	160,000	285,000	567,872	450,000	1,200,000
Non-Equity Partner	181	130,000	185,000	285,154	300,000	800,000
Of Counsel	99	48,000	100,000	159,191	225,000	489,338
Senior Associate	162	90,000	121,832	374,798	200,000	400,000
Associate	439	53,000	77,250	104,057	110,000	231,246
Arbitrator/Mediator	13	35,000	100,000	192,482	150,000	1,200,000
Assigned Counsel	3	2,000	33,500	33,500	65,000	65,000
Other	182	25,000	87,500	133,055	160,500	560,000
Total	3560	55,000	115,000	289,194	250,000	700,000

Table 2 – 2016 Reported Attorney Gross Income – Non-Private Practitioners

	N	25 th Percentile	Median	Mean	75 th Percentile	95 th Percentile
Academia	87	58,200	75,500	84,578	110,000	160,000
Federal Government	195	94,000	120,000	121,407	150,000	173,795
Governmental Relations	15	76,000	115,000	182,143	145,000	900,000
In-House Counsel	480	95,000	140,000	172,665	195,000	320,000
Judge	104	137,000	140,000	134,687	143,000	183,000
Law School	23	57,000	78,000	122,091	150,000	260,000
Legal Service Agency	102	46,000	57,000	64,194	70,000	125,000
Local Government	254	56,750	80,000	111,314	103,000	130,500
Military	21	73,500	91,000	99,100	124,500	162,500
Non-Law Related	122	60,000	97,750	225,754	166,000	600,000
Non-Profit Org	88	45,000	64,250	82,329	95,000	180,000
Other Judiciary	119	61,596	80,676	156,466	96,250	150,000
Retired	84	21,500	110,000	113,543	150,000	285,000
State Government	199	65,000	93,000	90,859	113,500	142,000
Total	1893	67,000	99,870	132,537	140,000	250,000



II 2017 Attorney Hourly Billing Rates

Table 3 – 2017 Attorney Hourly Billing Rates

	N	25 th Percentile	Median	Mean	75 th Percentile	95 th Percentile
Sole Practitioner, office outside of home	825	200	250	252	295	375
Sole Practitioner, working out of home office	610	150	200	208	250	350
Sole Practitioner, sharing space	197	200	240	247	280	373
Managing Partner	243	225	290	300	350	467
Equity Partner/Shareholder	606	245	300	329	400	552
Non-Equity Partner	181	223	315	319	395	567
Of Counsel	99	250	325	333	400	600
Senior Associate	162	220	260	270	315	400
Associate	439	183	225	236	270	350
Arbitrator/Mediator	13	250	275	293	350	410
Assigned Counsel	3	75	78	78	80	80
Other	182	150	200	240	307	450
Total	3560	200	250	266	307	470

Table 4 – 2017 Attorney Hourly Billing Rates by Years in Practice

	N	25 th Percentile	Median	Mean	75 th Percentile	95 th Percentile
<1	52	150	190	197	233	333
1 to 2	155	165	200	209	250	300
3 to 5	278	175	209	219	250	325
6 to 10	485	195	225	239	283	380
11 to 15	352	200	250	275	300	450
16 to 25	757	200	253	279	325	475
26 to 30	393	200	250	278	328	530
31 to 35	367	200	250	275	325	515
>35	861	200	250	284	335	510
Total	3700	200	250	266	305	473

Table 5 – 2017 Attorney Hourly Billing Rates by Firm Size in a Single Location

	N	25 th Percentile	Median	Mean	75 th Percentile	95 th Percentile
1	1722	183	225	233	275	375
2	365	200	250	270	300	400
3	237	217	250	271	300	400
4 to 6	354	200	250	280	317	467
7 to 10	211	190	250	267	307	490
11 to 20	223	225	280	302	350	500
21 to 50	244	227	307	308	375	497
>50	321	255	347	358	450	573
Total	3677	200	250	266	305	475

STATE BAR OF MICHIGAN

ECONOMICS OF LAW PRACTICE 2017

Table 6 – 2017 Attorney Billing Rates by Office Location

	N	25 th Percentile	Median	Mean	75 th Percentile	95 th Percentile
Ann Arbor area	163	213	250	278	315	497
Battle Creek area	30	192	250	235	265	300
Bay City/Midland/Saginaw area	68	175	216	217	250	300
Detroit, not downtown	155	188	225	237	279	400
Downtown Detroit & New Center area	145	200	250	286	350	550
Flint area	100	183	216	239	292	433
Grand Rapids area	391	210	275	297	350	550
Jackson area	31	200	217	239	272	385
Kalamazoo area	112	175	233	242	300	430
Lansing area	205	200	227	252	285	410
Livingston County	55	200	225	238	250	317
Mid-Michigan area (not Lansing)	57	190	225	229	260	337
Mount Clemens area	93	200	250	266	300	495
Muskegon area	62	195	218	240	253	505
Northern Michigan, Lower Peninsula	85	185	200	217	250	310
Oakland County (north of M-59)	123	200	250	249	295	373
Oakland County (south of M-59)	875	200	275	280	350	470
Other metro areas	52	183	200	221	250	375
Out of state	306	225	300	320	383	600
Out state, Lower Peninsula	59	175	200	213	250	350
Remainder Macomb County	86	200	250	249	300	400
Remainder Wayne County	182	200	225	230	255	350
Southfield	154	220	275	298	350	510
Traverse City area	55	193	225	228	257	350
Upper Peninsula	60	150	196	215	240	400
Total	3704	200	250	266	305	475

Table 7 – 2017 Hourly Rates Billing Rates by Field of Practice

	N	25 th Percentile	Median	Mean	75 th Percentile	95 th Percentile
Administrative Law	88	200	250	270	320	500
Appellate Law	132	195	255	265	325	480
Arbitration/Mediation	102	200	250	269	325	400
Auto (not lemon) Law	30	225	260	318	400	600
Auto no fault	142	160	250	288	400	575
Bankruptcy, Creditor	83	237	275	296	350	510
Bankruptcy, Debtor	157	200	245	243	250	350
Business/Commercial Litigation	379	250	295	304	350	495
Civil Litigation	512	200	250	272	325	450
Civil Rights	70	200	288	290	400	485
Collections, creditor	110	160	208	220	275	355
Collections, debtor	20	193	250	253	298	475
Condemnation law	9	285	350	376	450	500

STATE BAR OF MICHIGAN

ECONOMICS OF LAW PRACTICE 2017

Table 7 – 2017 Hourly Rates Billing Rates by Field of Practice

	N	25 th Percentile	Median	Mean	75 th Percentile	95 th Percentile
Construction law	59	200	265	300	365	580
Consumer law (including lemon law)	41	250	300	322	400	600
Contracts	262	200	250	265	325	475
Corporate and business	498	225	275	291	340	530
Criminal (misdemeanor)	363	180	200	234	250	350
Criminal (felony)	355	200	225	250	290	400
Driver License Restoration	27	200	250	254	300	500
Elder Law	229	200	240	250	275	350
Election Law	4	178	228	226	275	275
Employment law (plaintiff)	77	250	300	313	380	485
Employment law (defense)	108	200	295	281	350	425
Entertainment Law	20	190	250	295	333	800
Environmental law	28	243	275	307	375	515
Family law	769	200	240	235	275	350
Foreclosure, debtor	9	200	250	250	300	500
Foreclosure, lender	20	215	237	257	270	420
General Civil	188	184	225	230	258	350
Health & Hospital law	64	203	285	316	375	560
Immigration law	67	185	250	255	300	455
Indian Law	11	150	250	227	300	370
Insurance law (plaintiff)	46	275	380	379	450	600
Insurance law (defense)	148	150	168	192	200	320
Intellectual property	144	250	318	334	398	565
Labor and Employment	105	200	275	301	375	550
Landlord/tenant (commercial)	26	160	225	243	300	370
Landlord/tenant (residential)	82	150	200	196	250	275
Libel, slander and defamation	3	375	415	405	425	425
Marijuana Law	20	225	250	273	300	460
Medical malpractice (plaintiff)	43	300	400	448	500	900
Medical malpractice (defendant)	58	175	185	189	200	250
Municipal Law	110	150	165	190	235	330
Veterans and Military Law	5	180	200	220	295	300
Other Civil law	149	200	250	272	300	570
Other Professional Liability	22	210	300	298	350	425
Personal Injury (defendant)	102	150	170	186	200	310
Personal Injury (plaintiff)	186	275	350	362	400	600
Probate litigation	223	200	250	260	300	400
Guardianship/conservatorship	151	186	225	228	250	350
Probate-trust administration	599	200	250	256	295	400
Product liability	32	235	300	320	400	550
Property Damage	10	220	350	323	450	450
Public benefits	8	200	308	380	475	880
Real Estate	591	200	250	261	300	415

STATE BAR OF MICHIGAN

ECONOMICS OF LAW PRACTICE 2017

Table 7 – 2017 Hourly Rates Billing Rates by Field of Practice

	N	25 th Percentile	Median	Mean	75 th Percentile	95 th Percentile
Schools and Education	25	175	240	233	285	350
Securities Law	40	250	343	361	485	575
Tax Law	145	250	310	345	400	590
Workers Compensation-employees	21	200	250	251	340	450
Workers Compensation-employer	18	100	120	130	140	275
Total	8145	200	250	266	300	475

Table 8 – Attorney Hourly Billing Rates by County¹

County	N	25 th Percentile	Median	Mean	75 th Percentile	95 th Percentile
Alcona	3	195	198	198	200	200
Alger	6	150	200	184	200	225
Allegan	83	185	250	264	300	420
Alpena	7	167	198	235	217	550
Antrim	26	185	225	217	250	283
Arenac	0					
Baraga	3	130	150	160	200	200
Barry	19	238	283	284	350	400
Bay	63	183	217	229	250	350
Benzie	21	200	225	235	273	328
Berrien	63	187	240	245	295	430
Branch	20	180	245	223	250	300
Calhoun	60	200	245	244	290	379
Cass	32	168	211	232	263	450
Charlevoix	21	200	225	229	250	333
Cheboygan	11	200	225	221	250	300
Chippewa	11	113	150	150	192	225
Clare	15	200	250	237	300	337
Clinton	84	200	230	231	250	300
Crawford	8	180	193	193	225	250
Delta	12	175	192	202	238	300
Dickinson	11	160	200	291	300	1,101
Eaton	112	198	230	251	266	350
Emmet	28	200	229	249	288	480
Genesee	168	199	235	252	294	500
Gladwin	10	200	223	217	260	275
Gogebic	5	175	225	200	250	300
Grand Traverse	74	193	232	238	257	383
Gratiot	16	200	227	228	275	337
Hillsdale	10	200	204	241	300	385
Houghton	16	168	200	204	238	335
Huron	5	167	170	181	195	225
Ingham	243	200	235	260	300	425

¹ Data is not displayed for categories with fewer than three respondents due to insufficient information but is included in the totals.

Table 8 – Attorney Hourly Billing Rates by County¹

County	N	25 th Percentile	Median	Mean	75 th Percentile	95 th Percentile
Ionia	19	150	217	236	275	450
Iosco	3	125	138	153	195	195
Iron	4	143	163	200	258	350
Isabella	29	230	250	250	300	300
Jackson	56	200	233	237	280	385
Kalamazoo	117	175	240	259	305	450
Kalkaska	4	166	183	179	192	200
Kent	424	218	275	301	355	543
Keweenaw	5	180	200	274	317	525
Lake	7	150	175	195	250	342
Lapeer	48	188	220	246	263	433
Leelanau	36	200	223	223	250	328
Lenawee	48	200	200	220	250	350
Livingston	115	200	250	253	283	400
Luce	5	117	150	145	150	250
Mackinac	11	145	150	215	250	565
Macomb	866	200	250	265	300	425
Manistee	12	197	216	221	262	285
Marquette	31	150	200	201	250	300
Mason	14	150	193	194	250	275
Mecosta	12	217	250	227	250	290
Menominee	5	175	177	369	217	1,101
Midland	56	200	250	269	300	520
Missaukee	2					
Monroe	54	183	200	217	235	340
Montcalm	19	151	200	217	267	400
Montmorency	5	167	175	171	175	198
Muskegon	85	200	250	265	295	520
Newaygo	14	120	200	199	255	300
Oakland	1544	200	250	275	325	470
Oceana	25	163	200	213	250	350
Ogemaw	7	150	200	218	275	317
Ontonagon	5	200	200	185	225	250
Osceola	6	175	180	186	233	250
Oscoda	1	185	185	185	185	185
Otsego	18	175	200	220	275	350
Ottawa	225	220	270	290	333	520
Presque Isle	3	200	200	206	217	217
Roscommon	9	200	200	215	250	350
Saginaw	81	163	200	218	250	405
Sanilac	14	170	215	211	250	325
Schoolcraft	5	150	150	347	183	1,101
Shiawassee	18	200	225	257	300	567

¹ Data is not displayed for categories with fewer than three respondents due to insufficient information but is included in the totals.

Table 8 – Attorney Hourly Billing Rates by County¹

County	N	25 th Percentile	Median	Mean	75 th Percentile	95 th Percentile
St. Clair	41	195	250	236	272	350
St. Joseph	21	175	200	213	233	280
Tuscola	20	175	221	219	250	329
Van Buren	60	180	233	245	293	450
Washtenaw	343	200	250	274	317	467
Wayne	1485	200	250	269	317	467
Wexford	9	175	200	206	233	305
Statewide Practice	31	200	255	265	325	400
Out of state practice	239	250	310	334	397	600
Total	7582	200	250	265	300	465

¹ Data is not displayed for categories with fewer than three respondents due to insufficient information but is included in the totals.

Table 9 – 2017 Attorney Hourly Billing Rates by Circuit

Circuit	N	25 th Percentile	Median	Mean	75 th Percentile	95 th Percentile
1 Hillsdale	10	200	204	241	300	385
2 Berrien	63	187	240	245	295	430
3 Wayne	1485	200	250	269	317	467
4 Jackson	56	200	233	237	280	385
5 Barry	19	238	283	284	350	400
6 Oakland	1544	200	250	275	325	470
7 Genesee	168	199	235	252	294	500
8 Ionia, Montcalm	38	151	213	227	275	425
9 Kalamazoo	117	175	240	259	305	450
10 Saginaw	81	163	200	218	250	405
11 Alger, Luce, Mackinac, Schoolcraft	27	150	150	219	200	565
12 Baraga, Houghton, Keweenaw	24	158	200	213	238	335
13 Antrim, Grand Traverse, Leelanau	136	192	225	230	250	350
14 Muskegon	85	200	250	265	295	520
15 Branch	20	180	245	223	250	300
16 Macomb	866	200	250	265	300	425
17 Kent	424	218	275	301	355	543
18 Bay	63	183	217	229	250	350
19 Benzie, Manistee	33	200	222	230	273	328
20 Ottawa	225	220	270	290	333	520
21 Isabella	29	230	250	250	300	300
22 Washtenaw	343	200	250	274	317	467
23 Alcona, Arenac, Iosco, Oscoda	25	175	200	208	225	300
24 Sanilac	14	170	215	211	250	325
25 Marquette	31	150	200	201	250	300
26 Alpena, Montmorency	12	167	175	208	199	550
27 Newaygo, Oceana	39	160	200	208	250	350
28 Missaukee, Wexford	11	150	200	203	233	305

STATE BAR OF MICHIGAN

ECONOMICS OF LAW PRACTICE 2017

Table 9 – 2017 Attorney Hourly Billing Rates by Circuit

Circuit	N	25 th Percentile	Median	Mean	75 th Percentile	95 th Percentile
29 Clinton, Gratiot	100	200	230	231	250	313
30 Ingham	243	200	235	260	300	425
31 St. Clair	41	195	250	236	272	350
32 Gogebic, Ontonagon	10	175	213	193	250	300
33 Charlevoix	21	200	225	229	250	333
34 Ogemaw, Roscommon	16	173	200	216	255	350
35 Shiawassee	18	200	225	257	300	567
36 Van Buren	60	180	233	245	293	450
37 Calhoun	60	200	245	244	290	379
38 Monroe	54	183	200	217	235	340
39 Lenawee	48	200	200	220	250	350
40 Lapeer	48	188	220	246	263	433
41 Dickinson, Iron, Menominee	20	163	176	293	300	1,101
42 Midland	56	200	250	269	300	520
43 Cass	32	168	211	232	263	450
44 Livingston	115	200	250	253	283	400
45 St. Joseph	21	175	200	213	233	280
46 Crawford, Kalkaska, Otsego	12	178	185	188	200	250
47 Delta	12	175	192	202	238	300
48 Allegan	83	185	250	264	300	420
49 Mecosta, Osceola	18	175	237	213	250	290
50 Chippewa	11	113	150	150	192	225
51 Lake, Mason	21	150	185	194	250	275
52 Huron	5	167	170	181	195	225
53 Cheboygan, Presque Isle	14	200	208	217	233	300
54 Tuscola	20	175	221	219	250	329
55 Clare, Gladwin	25	200	245	229	260	300
56 Eaton	112	198	230	251	266	350
57 Emmet	28	200	229	249	288	480
84 Statewide Practice	31	200	255	265	325	400
85 Out Of State Practice	239	250	310	334	397	600
Total	7582	200	250	265	300	465

BOSCH KILLMAN VANDERWAL, P.C.

ATTORNEYS AND COUNSELORS
 2900 EAST BELTLINE NE, SUITE A
 GRAND RAPIDS MI 49525
 PHONE (616) 364-2900 FAX (616) 364-2901

September 11, 2017

Billed through 08/31/17

Bill # AOTRV- 25289 33129 PDB

FEDERAL ID # Account #, Pursuant Sup. R. 44

AUTO OWNERS INSURANCE COMPANY

ATTN: MATT SHEIDLER
 700 HAMMOND ROAD #100
 TRAVERSE CITY, MI 49686-9198

JEFFREY DUPILKA -- INSURED
DENNIS & SUSAN HANKINS -- CLAIMANT
300-335551-2016

PROFESSIONAL SERVICES RENDERED

06/26/17	PDB	REVIEW OF VOICE MAIL FROM J.D.	0.10 hrs
07/06/17	PDB	TELEPHONE CONFERENCE WITH MATT RE: CASE, ETC.	0.30 hrs
07/06/17	PDB	TELEPHONE CONFERENCE WITH MATT RE: CASE AND CLAIM.	0.20 hrs
07/06/17	PDB	REVIEW COMPANY FILE, FILE ANSWER, AFFIRMATIVE DEFENSES; DEMAND FOR JURY, REPORT TO COMPANY.	2.00 hrs
07/06/17	PDB	DRAFTING OBJECTION TO PLAINTIFF'S REQUEST TO PRODUCE.	0.50 hrs
07/07/17	PDB	RESEARCH RE: STATUTES REFERENCED IN PLAINTIFF'S COMPLAINT.	0.50 hrs
07/07/17	PDB	REPORT TO COMPANY.	0.30 hrs
07/07/17	PDB	DRAFTING AND SERVING INTERROGATORIES ON PLAINTIFFS.	0.80 hrs
07/07/17	PDB	REVIEW OF ADDITIONAL FILE MATERIALS RECEIVED FROM COMPANY.	1.00 hrs
07/09/17	PDB	CORRESPONDENCE TO MATT RE: PLAINTIFF'S DISCOVERY TO AUTO OWNERS.	0.20 hrs
07/13/17	JN	REVIEW OF CORRESPONDENCE FROM ATTORNEY CONLON'S OFFICE RE: OUR RESPONSIVE PLEADINGS, TELEPHONE CONFERENCE WITH JAMIE AT ATTORNEY CONLON'S OFFICE RE: SAME.	0.20 hrs
07/18/17	PDB	REVIEW OF CO-DEFENDANT'S ANSWER TO COMPLAINT.	0.10 hrs
07/18/17	PDB	CORRESPONDENCE TO COMPANY ALONG WITH DUMPILY'S RESPONSIVE PLEADINGS.	0.30 hrs
07/24/17	PDB	REVIEW OF EMAIL FROM ATTORNEY PORTNAY RE: PRIVILEGED DOCUMENT ISSUE.	0.10 hrs
07/26/17	PDB	REVIEW OF LETTER FROM ATTORNEY PORTNOY.	0.10 hrs
07/28/17	PDB	TELEPHONE CONFERENCE WITH ATTORNEY PORTNOY.	0.20 hrs
08/02/17	PDB	REVIEW OF VOICE MAIL MESSAGE FROM ATTORNEY PORTNOY.	0.10 hrs
08/02/17	PDB	REVIEW OF LETTER FROM ATTORNEY PORTNAY RE CALLING COURT TO SCHEDULE PHONE CONFERENCE.	0.10 hrs
08/02/17	PDB	REVIEW OF COPY OF DUPILKA'S DISCOVERY REQUESTS TO PLAINTIFF.	0.10 hrs
08/03/17	PDB	TIME SPENT REVIEWING RECORDED STATEMENT OF INSURED WITH WAS INCORRECT ON (ERROR BY COMPANY - SENT WRONG ONE).	0.30 hrs

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08/03/17	PDB	TELEPHONE CONFERENCE WITH MIKE CONLON RE: CASE.	0.30	hrs
08/03/17	PDB	CORRESPONDENCE TO PLAINTIFF'S ATTORNEY ALONG WITH COPY OF AUTO OWNERS FILE MATERIALS.	0.30	hrs
08/03/17	PDB	REVIEW OF AUTO OWNERS FILE MATERIALS TO RETRACT PRIVILEGED DOCUMENTS.	0.30	hrs
08/03/17	PDB	DRAFTING AND SERVING INTERROGATORIES AND REQUEST TO PRODUCE AND LETTER TO MATT RE: SAME.	1.50	hrs
08/03/17	PDB	CORRESPONDENCE TO PLAINTIFF'S ATTORNEY ALONG WITH DISCOVERY RESPONSES.	0.30	hrs
08/03/17	PDB	TELEPHONE CONFERENCE WITH MATT RE: CASE AND CLAIM AND DISCOVERY RESPONSES.	0.30	hrs
08/04/17	PDB	DRAFTING OFFER OF JUDGMENT AND LETTER TO ATTORNEY RE: SAME.	0.60	hrs
08/07/17	PDB	REPORT TO COMPANY RE: CASE AND OFFER OF JUDGMENT.	0.30	hrs
08/07/17	PDB	REVIEW OF DUPILKA'S DISCOVERY RESPONSES.	0.10	hrs
08/07/17	PDB	REPORT TO COMPANY.	0.30	hrs
08/08/17	PDB	REVIEW OF NOTICE OF SCHEDULING CONFERENCE FROM COURT.	0.10	hrs
08/08/17	PDB	REPORT TO COMPANY RE: CASE AND SCHEDULING CONFERENCE.	0.30	hrs
08/08/17	PDB	REVIEW OF NOTICE OF SCHEDULING CONFERENCE.	0.10	hrs
08/08/17	PDB	REPORT TO COMPANY RE: SCHEDULING CONFERENCE.	0.20	hrs
08/08/17	PDB	TELEPHONE CONFERENCE WITH ATTORNEY PORTNAY RE: CASE, DISCOVERY ISSUES AND CASE.	0.30	hrs
08/16/17	PDB	REVIEW OF PROPOSED SCHEDULING DATES AND RESPONSE THERETO.	0.20	hrs
08/17/17	PDB	TELEPHONE CONFERENCE WITH PLAINTIFF'S ATTORNEY RE: MOTION TO COMPEL ISSUE.	0.20	hrs
08/17/17	PDB	CORRESPONDENCE TO PLAINTIFF'S ATTORNEY RE: MOTION OT COMPEL ISSUE AND OUR DISCOVERY RESPONSES.	0.30	hrs
08/22/17	PDB	CORRESPONDENCE TO PLAINTIFF'S ATTORNEY RE: OUTSTANDING DISCOVERY REQUESTS.	0.30	hrs
08/23/17	PDB	REVIEW OF LETTER FROM ATTORNEY PORTNAY RE: HIS CLIENT'S DISCOVERY RESPONSE.	0.10	hrs
08/29/17	PDB	CORRESPONDENCE TO PLAINTIFF'S ATTORNEY RE: ISSUES WITH HIS CLIENT'S DISCOVERY RESPONSES.	0.30	hrs
08/30/17	PDB	REVIEW OF PLAINTIFF'S DISCOVERY RESPONSES.	0.10	hrs

Total Fees 14.30 hrs

BILLING SUMMARY

TOTAL FEES

CHARGES FOR THIS INVOICE

TOTAL AMOUNT NOW DUE

PLEASE NOTE BILL NUMBER ON YOUR CHECK. PAYMENT IS DUE UPON RECEIPT. THANK YOU.

BOSCH KILLMAN VANDERWAL, P.C.

ATTORNEYS AND COUNSELORS
2900 EAST BELTLINE NE, SUITE A
GRAND RAPIDS MI 49525
PHONE (616) 364-2900 FAX (616) 364-2901

December 6, 2017

Billed through 12/06/17

Bill # AOTRV - 25289 33553 PDB

FEDERAL ID # Account #, Pursuant Sup. R. 44

AUTO OWNERS INSURANCE COMPANY
ATTN: MATT SHEIDLER
700 HAMMOND ROAD #100
TRAVERSE CITY, MI 49686-9198

JEFFREY DUPILKA -- INSURED
DENNIS & SUSAN HANKINS -- CLAIMANT
300-335551-2016

PROFESSIONAL SERVICES RENDERED

09/08/17	PDB	REVIEW OF LETTER FROM ATTORNEY PORTNOY RE: DISCOVERY RESPONSES.	0.10 hrs
09/21/17	PDB	REVIEW OF CO-DEFENDANT'S DISCOVERY REQUESTS TO PLAINTIFF.	0.10 hrs
09/26/17	PDB	REVIEW OF COURT'S SCHEDULING ORDER AND TRIAL AND PRE-TRIAL NOTICES.	0.20 hrs
09/26/17	PDB	REPORT TO COMPANY RE: COURT DEADLINES, TRIAL, ETC.	0.30 hrs
09/27/17	PDB	REVIEW OF COURT ORDER RE: MEDIATION.	0.10 hrs
09/27/17	PDB	DRAFTING MOTION TO COMPEL AND NOTICE OF HEARING.	1.20 hrs
10/16/17	SLB	ATTENDANCE AT MOTION TO COMPEL.	1.00 hrs
10/16/17	SLB	PREPARATION FOR MOTION.	1.00 hrs
10/16/17	SLB	TRAVEL TO MANISTEE. (ONE HOUR MAXIMUM EACH WAY)	2.00 hrs
10/17/17	SLB	DRAFTING COURT ORDER.	0.20 hrs
10/18/17	PDB	REVIEW OF STIPULATION AND ORDER RE: MEDIATOR FROM ATTORNEY CONLON.	0.10 hrs
10/18/17	PDB	TELEPHONE CONFERENCE WITH MIKE C. RE: CASE AND MEDIATOR SELECTION.	0.20 hrs
10/22/17	PDB	CORRESPONDENCE TO ATTORNEY CONLON ALONG WITH SIGNED STIPULATION.	0.10 hrs
10/22/17	PDB	REPORT TO COMPANY RE: CASE AND RESULTS OF MOTION.	0.30 hrs
10/24/17	PDB	REVIEW OF EMAIL FROM ATTORNEY CONLON RE: EXPERT ISSUE.	0.10 hrs
10/24/17	PDB	REVIEW OF PLAINTIFF'S WITNESS LIST NOTICE.	0.10 hrs
10/25/17	PDB	REVIEW OF LETTER TO COURT RE: MEDIATOR SELECTION.	0.10 hrs
10/31/17	PDB	REVIEW OF NOTICE FROM COURT RE: MEDIATION.	0.10 hrs
10/31/17	PDB	REPORT TO COMPANY RE: MEDIATION AND MEDIATOR.	0.20 hrs
11/01/17	PDB	DRAFTING EXHIBIT LIST AND WITNESS LIST.	1.00 hrs
11/02/17	PDB	REVIEW OF ATTORNEY CONLON'S WITNESS AND EXHIBIT LIST.	0.10 hrs
11/06/17	PDB	CORRESPONDENCE TO MR. PORTNAY RE: ORDER, COSTS, ETC.	0.30 hrs
11/07/17	PDB	REVIEW OF PLAINTIFF'S ANSWERS TO CO-DEFENDANT'S INTERROGATORIES.	0.10 hrs
11/07/17	PDB	REPORT TO COMPANY RE: PLAINTIFF'S DISCOVERY	0.30 hrs

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		RESPONSES TO CO-DEFENDANT'S INTERROGATORIES.	
11/12/17	PDB	REVIEW OF ORDER FROM COURT.	0.10 hrs
11/12/17	PDB	CORRESPONDENCE TO PLAINTIFF'S ATTORNEY ALONG WITH ORDER.	0.20 hrs
11/14/17	PDB	REVIEW OF LETTER FROM MEDIATOR.	0.10 hrs
11/14/17	PDB	REPORT TO COMPANY.	0.30 hrs
11/14/17	PDB	REVIEW OF LETTER FROM ATTORNEY PORTNAY RE: WORK PRODUCT ISSUE.	0.10 hrs
11/16/17	PDB	REVIEW OF LETTER FROM PORTNAY RE: SANCTION PAYMENT AND DISCOVERY ISSUE.	0.10 hrs
11/16/17	PDB	CORRESPONDENCE TO ATTORNEY PORTNAY RE: SANCTION ISSUE AND PRIVILEGED DOCUMENTS.	0.30 hrs
11/16/17	PDB	REVIEW OF COPY OF LETTER FROM CONLON TO PLAINTIFF'S ATTORNEY RE: DISCOVERY ISSUES.	0.10 hrs
11/21/17	PDB	REVIEW OF COPY OF DISCOVERY REQUESTS FROM ATTORNEY CONLON TO PLAINTIFF J.D.	0.10 hrs
11/21/17	PDB	REVIEW OF PLAINTIFF'S SUPPLEMENTAL DISCOVERY RESPONSES AND LETTER TO ATTORNEY PORTNOY RE: SAME.	0.50 hrs
11/21/17	PDB	TIME SPENT SCHEDULING DEPOSITION OF PLAINTIFF AND DRAFTING NOTICE OF SAME.	0.40 hrs
11/22/17	PDB	REVIEW OF LETTER FROM MEDIATOR.	0.10 hrs
11/22/17	PDB	REPORT TO COMPANY RE: MEDIATION DATE AND TIME.	0.20 hrs
11/27/17	PDB	REVIEW OF LETTER FROM ATTORNEY PORTNOY.	0.10 hrs
11/27/17	PDB	CORRESPONDENCE TO ATTORNEY PORTNOY RE: INSUFFICIENT DISCOVERY RESPONSES.	0.30 hrs
		Total Fees	12.30 hrs
DISBURSEMENTS			
09/28/17		CLIENT COSTS ADVANCED-- CK#25926 -- MANISTEE COUNTY CIRCUIT COURT -- MOTION FEE	\$20.00
10/16/17		MILEAGE CHARGES-- MANISTEE/MOTION # OF MILES: 250 RATE APPLIED: .535 PER MILE	\$133.75
		Total Disbursements	\$153.75
BILLING SUMMARY			
		TOTAL FEES	
		TOTAL DISBURSEMENTS	\$153.75
		CHARGES FOR THIS INVOICE	
		TOTAL AMOUNT NOW DUE	

PLEASE NOTE BILL NUMBER ON YOUR CHECK. PAYMENT IS DUE UPON RECEIPT. THANK YOU.

BOSCH KILLMAN VANDERWAL, P.C.

ATTORNEYS AND COUNSELORS
 2900 EAST BELTLINE NE, SUITE A
 GRAND RAPIDS MI 49525
 PHONE (616) 364-2900 FAX (616) 364-2901

March 12, 2018

Billed through 03/10/18

Bill # AOTRV- 25289 33962 PDB

FEDERAL ID # Account #, Pursuant Sup. R. 44

AUTO OWNERS INSURANCE COMPANY

ATTN: MATT SHEIDLER
 700 HAMMOND ROAD #100
 TRAVERSE CITY, MI 49686-9198

JEFFREY DUPILKA -- INSURED
DENNIS & SUSAN HANKINS -- CLAIMANT
300-335551-2016

PROFESSIONAL SERVICES RENDERED

11/16/17	PDB	REVIEW OF PLAINTIFF'S EXHIBIT LIST.	0.10 hrs
11/29/17	PDB	REVIEW OF LETTER FROM ATTORNEY PORTNOY RE: REASONS FOR BAD FAITH.	0.10 hrs
11/29/17	PDB	REVIEW OF SUBSTITUTION OF ATTORNEYS ORDER.	0.10 hrs
11/30/17	PDB	REVIEW OF LETTER FROM PORTNOY INDICATING HE'LL SUPPLEMENT ANSWERS TO INTERROGATORIES AFTER D. WILEY'S DEPOSITION.	0.10 hrs
11/30/17	PDB	REVIEW OF LETTER FROM PORTNOY RE: CALLING TO SCHEDULE DEPOSITION OF WILEY.	0.10 hrs
12/01/17	PDB	REPORT TO COMPANY RE: STATUS OF CASE AND PORTNOY WANTING TO TAKE DEB'S DEPOSITION.	0.30 hrs
12/02/17	PDB	REVIEW OF MOTION AND MEMO FROM ATTORNEY PORTNOY.	0.20 hrs
12/02/17	PDB	CORRESPONDENCE TO ATTORNEY PORTNOY RE: DEB WHEY NO LONGER BEING AT AUTO OWNERS.	0.30 hrs
12/02/17	PDB	REVIEW OF LETTER FROM PORTNOY RE: CANCELLATION OF HIS CLIENT'S DEPOSITION ON THE 20TH.	0.10 hrs
12/04/17	PDB	CORRESPONDENCE TO ATTORNEY PORTNOY RE: HIS CANCELLING HIS CLIENT'S DEPOSITION, ETC AND SENDING US A SUBPOENA.	0.30 hrs
12/04/17	PDB	REVIEW OF CO-DEFENDANT'S EXPERT WITNESS LIST.	0.10 hrs
12/05/17	PDB	REVIEW OF LETTER FROM PORTNOY RE: REFUSING TO HAVE CLIENT DEPOSED AND WILEY CONTACT INFORMATION.	0.10 hrs
12/06/17	PDB	TELEPHONE CONFERENCE WITH ANDREA (2 CALLS) RE: CASE, WILEY DEPOSITION, ETC.	0.30 hrs
12/06/17	PDB	CORRESPONDENCE TO DEB WILEY RE: DEPOSITION ISSUE.	0.30 hrs
12/06/17	PDB	TELEPHONE CONFERENCE WITH DEB W. RE: TAKING OF HER DEPOSITION, ETC.	0.30 hrs
12/10/17	PDB	CORRESPONDENCE TO ATTORNEY MISTY WOOD RE: CASE AND HER INVOLVEMENT IN SAME.	0.20 hrs
12/10/17	PDB	CORRESPONDENCE TO ATTORNEY PORTNOY RE: CASE, DEPOSITION OF WILEY AND INTERNET INFORMATION ON WILEY CONTACT INFORMATION	0.30 hrs
12/10/17	PDB	CORRESPONDENCE TO ATTORNEY WOOD.	0.20 hrs
12/12/17	PDB	REVIEW OF LETTER (EMAIL) FROM MISTY WOOD.	0.10 hrs
12/12/17	PDB	REPORT TO COMPANY RE: CASE, PORTNOY AND PRO HAC	0.40 hrs

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		VICE.	
12/19/17	PDB	REVIEW OF EMAIL FROM ATTORNEY PORTNOY RE: D. WILEY'S PHONE NUMBER.	0.10 hrs
12/27/17	PDB	REVIEW OF EMAIL FROM PLAINTIFF'S ATTORNEY RE: SCHEDULING DEPOSITIONS.	0.10 hrs
01/04/18	PDB	REVIEW OF NOTICE OF DISMISSAL FROM ATTORNEY PORTNOY.	0.10 hrs
01/04/18	JN	TELEPHONE CONFERENCE WITH COURT RE: IMPROPER NOTICE FOR PLAINTIFF'S MOTION FOR SANCTIONS, TO COMPEL, ETC; MULTIPLE PHONE CALLS WITH MIKE PORTNOY RE: ADJOURNMENT OF MOTION AND DATES FOR DEPOSITIONS OF PLAINTIFFS; CORRESPONDENCE TO ALL COUNSEL RE: AVAILABLE DATES FOR DEPOSITIONS OF PLAINTIFFS.	0.50 hrs
01/08/18	PDB	CORRESPONDENCE TO ATTORNEY PORTNOY RE: DEPOSITION OF WILEY AND SENDING AUTO OWNERS A SUBPOENA.	0.30 hrs
01/08/18	PDB	REPORT TO COMPANY.	0.30 hrs
01/09/18	PDB	REVIEW OF LETTER FROM ATTORNEY PORTNOY RE: WILEY PHONE NUMBER AND RESPONSE THERETO.	0.40 hrs
01/10/18	PDB	REVIEW OF COPY OF LETTER FROM PLAINTIFF'S ATTORNEY TO ATTORNEY CONLON.	0.10 hrs
01/11/18	JN	CORRESPONDENCE TO AND FROM PLAINTIFF'S ATTORNEY AND CO-DEFENDANT'S ATTORNEY; DRAFTING RE-NOTICE OF TAKING DEPOSITION OF DENNIS HANKINS; CORRESPONDENCE TO PLAINTIFF'S ATTORNEY RE: UPCOMING DEPOSITION OF PLAINTIFF AND CO-DEFENDANT.	0.40 hrs
01/12/18	PDB	REVIEW OF EMAIL FROM ATTORNEY HOLMES.	0.10 hrs
01/12/18	PDB	REPORT TO COMPANY RE: CASE AND EMAIL FROM ATTORNEY HOLMES.	0.30 hrs
01/12/18	PDB	CORRESPONDENCE TO ATTORNEY PORTNOY RE: WILEY'S DEPOSITION.	0.30 hrs
01/18/18	PDB	REVIEW OF NOTICE OF IME FROM ATTORNEY CONLON.	0.10 hrs
01/19/18	PDB	REVIEW OF ATTORNEY CONLON'S MOTION TO COMPEL.	0.10 hrs
01/24/18	PDB	REVIEW OF DEPOSITION NOTICE FROM ATTORNEY PORTNOY.	0.10 hrs
01/29/18	PDB	REVIEW OF RENOTICE OF HEARING FROM CONLON.	0.10 hrs
01/30/18	JN	CORRESPONDENCE TO MATT SHEIDLER RE: UPCOMING DEPOSITION OF PLAINTIFF AND CO-DEFENDANT DUPLKA.	0.20 hrs
02/09/18	JN	REVIEW OF NOTICE TO APPEAR FOR CASE EVALUATION; CORRESPONDENCE TO ADR CLERK.	0.20 hrs
02/12/18	PDB	REVIEW OF NOTICE OF CASE EVALUATION.	0.10 hrs
02/12/18	PDB	REVIEW OF NOTICE OF CASE EVALUATION.	0.10 hrs
02/12/18	PDB	REVIEW OF MEDICAL SUMMARY RECEIVED FROM PLAINTIFF'S ATTORNEY.	0.10 hrs
02/15/18	PDB	REVIEW OF EMAIL FROM PLAINTIFF'S ATTORNEY RE: DEPOSITION OF CLIENT AND WANTING TO RESCHEDULE.	0.10 hrs
02/15/18	PDB	REVIEW OF EMAIL FROM PLAINTIFF'S ATTORNEY RE: PLAINTIFF'S DEPOSITION.	0.10 hrs
02/15/18	PDB	REVIEW OF COPY OF EMAIL FORM CONLON TO PLAINTIFF'S ATTORNEY.	0.10 hrs
02/15/18	PDB	REVIEW OF LETTER AND MEDICAL RECORDS FROM PLAINTIFF'S ATTORNEY.	0.10 hrs
02/15/18	PDB	CORRESPONDENCE TO PLAINTIFF'S ATTORNEY RE: SANCTIONS STILL OWED AND ADJOURNING DEPOSITION.	0.30 hrs
02/16/18	PDB	CORRESPONDENCE TO PLAINTIFF'S ATTORNEY RE: STIPULATION OT EXTEND DISCOVERY.	0.20 hrs

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02/16/18	PDB	REVIEW OF LETTER FROM PLAINTIFF'S ATTORNEY RE: MOTION TO EXTEND DISCOVERY, ETC.	0.10 hrs
02/17/18	PDB	REPORT TO COMPANY RE: CASE AND STATUS OF SAME.	0.30 hrs
02/18/18	PDB	REVIEW OF LETTER FROM PLAINTIFF'S ATTORNEY RE: DEPOSITION OF HIS CLIENT.	0.10 hrs
02/19/18	PDB	CORRESPONDENCE TO ATTORNEY PORTNOY RE: RESCHEDULING HIS CLIENT'S DEPOSITION, ETC.	0.20 hrs
02/21/18	PDB	REVIEW OF LETTER FROM PLAINTIFF'S ATTORNEY RE: HIS MOTION AND PLAINTIFF'S DEPOSITIONS.	0.10 hrs
02/23/18	PDB	REVIEW OF COPY OF LETTER AND ORDER SENT TO COURT RE: DUPILKA'S MOTION TO COMPEL.	0.10 hrs
02/26/18	PDB	REVIEW OF PLAINTIFF'S UPDATED DISCOVERY RESPONSES TO INTERROGATORIES OF ATTORNEY CONLON.	0.10 hrs
03/05/18	PDB	REVIEW OF ORDER RE: CO-DEFENDANT'S MOTION.	0.10 hrs
03/07/18	PDB	REVIEW OF LETTER FROM PLAINTIFF'S ATTORNEY RE: IME DATE AND DEPOSITION DATES.	0.10 hrs
03/10/18	PDB	REVIEW OF FILE AND DRAFTING MOTION FOR SUMMARY DISPOSITION.	1.50 hrs
		Total Fees	11.70 hrs
DISBURSEMENTS			
02/09/18		CLIENT COSTS ADVANCED-- CK#26471 -- A. BROOKS DARLING -- CASE EVALUATION FEE	\$25.00
02/09/18		CLIENT COSTS ADVANCED-- CK#26477 -- MICHAEL FIGLIOMENI -- CASE EVALUATION FEE	\$25.00
02/09/18		CLIENT COSTS ADVANCED-- CK#26478 -- JOHN A. MACNEAL -- CASE EVALUATION FEE	\$25.00
		Total Disbursements	\$75.00
BILLING SUMMARY			
		TOTAL FEES	-
		TOTAL DISBURSEMENTS	\$75.00
		CHARGES FOR THIS INVOICE	
		TOTAL AMOUNT NOW DUE	

PLEASE NOTE BILL NUMBER ON YOUR CHECK. PAYMENT IS DUE UPON RECEIPT. THANK YOU.

BOSCH KILLMAN VANDERWAL, P.C.

ATTORNEYS AND COUNSELORS
 2900 EAST BELTLINE NE, SUITE A
 GRAND RAPIDS MI 49525
 PHONE (616) 364-2900 FAX (616) 364-2901

May 31, 2018

Billed through 05/30/18

Bill # AOTRV- 25289 34310 PDB

FEDERAL ID # Account #, Pursuant Sup. R. 44

AUTO OWNERS INSURANCE COMPANY

ATTN: MATT SHEIDLER

700 HAMMOND ROAD #100

TRAVERSE CITY, MI 49686-9198

JEFFREY DUPILKA -- INSURED**DENNIS & SUSAN HANKINS -- CLAIMANT****300-335551-2016**

PROFESSIONAL SERVICES RENDERED

03/13/18	PDB	REVIEW OF NOTICE OF DEPOSITION OF CO-DEFENDANT.	0.10 hrs
03/13/18	PDB	REPORT TO COMPANY RE: CASE AND DEPOSITIONS OF PLAINTIFF AND DUPILKA.	0.30 hrs
03/13/18	SLB	DRAFTING MEMO TO FILE RE: SUMMARY DISPOSITION ISSUES.	1.50 hrs
03/13/18	SLB	RESEARCH RE: INSURANCE CODE AND FRAUD ISSUER.	2.50 hrs
03/14/18	PDB	REVIEW OF PROPOSED STIPULATION AND ORDER ADJOURNING CASE EVALUATION AND LETTER TO ATTORNEY RE: SAME.	0.20 hrs
03/15/18	SLB	RESEARCH RE: BAD FAITH, INSURANCE FRAUD CASES.	3.00 hrs
03/16/18	PDB	REVIEW OF RENOTICE OF IME FROM CONLON.	0.10 hrs
03/18/18	PDB	REVIEW OF NOTICE FROM COURT RE: TRIAL, ETC.	0.10 hrs
03/20/18	PDB	REVIEW OF NOTICE FROM COURT.	0.10 hrs
03/20/18	PDB	REPORT TO COMPANY RE: NEW TRIAL DATE, ETC.	0.30 hrs
03/29/18	ARK	REVIEW OF TOLEDO ORTHOPEDIC RECORDS.	0.50 hrs
03/29/18	ARK	REVIEW OF RECORDS FROM WILDWOOD SURGICAL AND MEMO TO COMPANY RE: SAME.	0.40 hrs
03/29/18	ARK	TIME SPENT REVIEWING AND SUMMARIZING WILWOOD SURGICAL RECORDS OF PLAINTIFF	1.00 hrs
03/29/18	ARK	TIME SPENT REVIEWING AND SUMMARIZING PLAINTIFF'S RECORDS FROM TOLEDO ORTHO CENTER	1.00 hrs
04/06/18	PDB	REVIEW OF ORDER TO SHOW CAUSE.	0.10 hrs
04/12/18	PDB	REVIEW OF ORDER TO SHOW CAUSE FROM COURT TO PLAINTIFF.	0.10 hrs
04/20/18	PDB	REPORT TO COMPANY RE: WILDWOOD SURGICAL CENTER RECORDS.	0.20 hrs
04/20/18	PDB	REPORT TO COMPANY ALONG WITH MEMO RE: TOLEDO ORTHOPEDIC RECORDS	0.30 hrs
04/20/18	PDB	REVIEW OF ORDER FROM COURT DISMISSING "SHOW CAUSE" ORDER.	0.10 hrs
04/21/18	PDB	REVIEW OF ORDER DISMISSING SHOW CAUSE.	0.10 hrs
05/01/18	PDB	REVIEW OF RECORDS OF FAMILY MEDICINE.	1.00 hrs
05/02/18	PDB	REVIEW OF FILE AND PREPARATION FOR DEPOSITION OF PLAINTIFF.	1.20 hrs

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05/02/18	PDB	ATTENDANCE AT DEPOSITION OF PLAINTIFF AND WAITING FOR PLAINTIFF'S ATTORNEY.	2.00 hrs
05/04/18	PDB	REVIEW OF STIPULATION AND ORDER TO EXTEND DISCOVERY, ETC.	0.10 hrs
05/06/18	PDB	DRAFTING MEMO RE: DEPOSITION OF PLAINTIFF.	0.30 hrs
05/06/18	PDB	REPORT TO COMPANY RE: CASE AND DEPOSITION OF PLAINTIFF.	0.30 hrs
05/09/18	PDB	REVIEW OF LETTER FROM ATTORNEY CONLON TO COURT ALONG WITH STIPULATION AND ORDER EXTENDING DISCOVERY.	0.10 hrs
05/12/18	PDB	REVIEW OF DOCUMENTS FROM CSX TRANSPORTATION.	0.30 hrs
05/12/18	PDB	REVIEW OF RONAN IME REPORT FROM CONLON.	0.20 hrs
05/14/18	PDB	REVIEW OF ORDER EXTENDING DISCOVERY.	0.10 hrs
05/23/18	PDB	DRAFTING MOTION AND BRIEF IN SUPPORT AND REVISIONS THERETO AND NOTICE OF HEARING.	3.80 hrs
05/30/18	PDB	REPORT TO COMPANY RE: CASE AND MOTION FILED WITH THE COURT.	0.30 hrs
		Total Fees	21.70 hrs
DISBURSEMENTS			
03/13/18		CLIENT COSTS ADVANCED-- CK#26599 -- A. BROOKS DARLING -- CASE EVALUATION FEES	\$75.00
03/13/18		CLIENT COSTS ADVANCED-- CK#26600 -- JOHN A. MACNEAL -- CASE EVALUATION FEES	\$75.00
03/13/18		CLIENT COSTS ADVANCED-- CK#26601 -- MICHAEL FIGLIOMENI -- CASE EVALUATION FEES	\$75.00
03/27/18		CLIENT COSTS ADVANCED-- CK#26683 -- LEGAL COPY SERVICES -- INV#1479802/TOLEDO ORTHO SURGEONS RECORDS	\$65.82
03/27/18		CLIENT COSTS ADVANCED-- CK#26684 -- LEGAL COPY SERVICES -- INV#1479730 - WILDWOOD SURGICAL CENTER RECORDS	\$76.84
04/27/18		CLIENT COSTS ADVANCED-- CK#26802 -- LEGAL COPY SERVICES -- INV#1492583/CSX TRANSPORTATION	\$99.01
05/02/18		CLIENT COSTS ADVANCED-- CK#26840 -- LEGAL COPY SERVICES -- INV#1494909 - PROMEDICA PHYSICIANS	\$155.21
05/24/18		CLIENT COSTS ADVANCED-- CK#26919 -- MANISTEE COUNTY CIRCUIT COURT -- MOTION FEE	\$20.00
		Total Disbursements	\$641.88

BOSCH KILLMAN VANDERWAL, P.C.

ATTORNEYS AND COUNSELORS
2900 EAST BELTLINE NE, SUITE A
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PHONE (616) 364-2900 FAX (616) 364-2901

August 13, 2018

Billed through 08/13/18

Bill # AOTRV- 25289 34701 PDB

FEDERAL ID # Account #, Pursuant Sup. R. 44

AUTO OWNERS INSURANCE COMPANY
ATTN: MATT SHEIDLER
700 HAMMOND ROAD #100
TRAVERSE CITY, MI 49686-9198

JEFFREY DUPILKA -- INSURED
DENNIS & SUSAN HANKINS -- CLAIMANT
300-335551-2016

PROFESSIONAL SERVICES RENDERED

06/04/18	JN	CORRESPONDENCE TO AND FROM CO-DEFENDANT'S ATTORNEYS OFFICE RE: UPCOMING CASE EVALUATION.	0.10 hrs
06/05/18	PDB	REVIEW PLAINTIFF'S MEMO IN RESPONSE TO OUR SUMMARY DISPOSITION MOTION.	0.10 hrs
06/11/18	PDB	LETTER TO MATT RE: EVALUATION AND WILEY DEPOSITION.	0.30 hrs
06/12/18	JN	NUMEROUS EMAILS WITH MIKE CONLON'S OFFICE RE: UPCOMING MEDIATION.	0.20 hrs
06/17/18	PDB	REVIEW OF LETTER FROM MEDIATOR.	0.10 hrs
06/17/18	PDB	REPORT TO COMPANY RE: MEDIATION.	0.30 hrs
06/25/18	JN	CORRESPONDENCE TO PLAINTIFF'S ATTORNEY REQUESTING COPY OF HIS CASE EVALUATION BRIEF.	0.10 hrs
06/25/18	JN	REVIEW OF CORRESPONDENCE FROM PLAINTIFF'S ATTORNEY RE: CASE EVALUATION BRIEF/COURT NOTICE FOR ADR.	0.10 hrs
06/25/18	JN	RESEARCH RE: CASE EVALUATION REQUIREMENTS (CASE LAW)	0.20 hrs
06/25/18	JN	CORRESPONDENCE TO PLAINTIFF'S ATTORNEY RE: MCR 2.403 AND MCR 2.107 AND AGAIN REQUESTING COPY OF HIS CASE EVALUATION BRIEF.	0.20 hrs
06/25/18	JN	REVIEW OF CORRESPONDENCE FROM PLAINTIFF'S ATTORNEY WITH NOTICE OF HEARING ON HIS MOTION.	0.10 hrs
06/25/18	JN	PHONE CONFERENCE WITH COURT RE: UPCOMING MOTIONS.	0.10 hrs
06/26/18	JN	REVIEW OF CORRESPONDENCE FROM MIKE CONLON'S OFFICE RE: PLAINTIFF'S CASE EVALUATION BRIEF.	0.10 hrs
06/26/18	JN	CORRESPONDENCE TO MIKE CONLON'S OFFICE RE PLAINTIFF ATTORNEY AND HIS CASE EVALUATION BRIEF SUBMISSION.	0.20 hrs
06/27/18	PDB	REVIEW OF LETTER AND MEMO FROM ATTORNEY PORTNOY.	0.10 hrs
06/27/18	PDB	REVIEW OF CO-DEFENDANT'S CASE EVALUATION SUMMARY.	0.10 hrs
06/28/18	PDB	REVIEW OF DUPILKA'S CASE EVALUATION SUMMARY.	0.10 hrs
06/28/18	PDB	REVIEW OF LETTER FROM ATTORNEY PORTNOY TO MEDIATOR.	0.10 hrs
06/30/18	PDB	REVIEW OF DOCUMENTS FROM ATTORNEY PORTNOY.	0.10 hrs
06/30/18	JN	CORRESPONDENCE TO MIKE CONLON'S OFFICE RE:	0.10 hrs

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		POSSIBILITY OF DEB WILEY'S DEPOSITION BEING CANCELLED.	
07/01/18	PDB	REVIEW EMAIL FROM ATTORNEY HOLMES RE: WILEY DEPOSITION.	0.10 hrs
07/01/18	PDB	REVIEW OF LETTER FROM PORTNOY RE: CANCELLATION OF WILEY DEPOSITION.	0.10 hrs
07/02/18	PDB	REPORT TO COMPANY RE: CASE AND CANCELLATION OF WILEY DEPOSITION.	0.30 hrs
07/09/18	PDB	DRAFTING MEDIATION SUMMARY AND CASE EVALUATION SUMMARY.	1.60 hrs
07/09/18	PDB	PHONE CONFERENCE WITH ATTORNEY MIKE CONLON RE: MEDIATION AND HAVING ONE ADJUSTER THERE.	0.20 hrs
07/12/18	PDB	ATTEND MEDIATION	2.60 hrs
07/12/18	PDB	REVIEW OF FILE IN PREPARATION OR MEDIATION.	0.50 hrs
07/12/18	PDB	TRAVEL TO AND FROM TRAVERSE CITY FOR MEDIATION (ONE HOUR MAXIMUM EACH WAY)	2.00 hrs
07/15/18	PDB	REPORT TO COMPANY RE: RESULTS OF MEDIATION, ETC.	0.30 hrs
07/16/18	PDB	TRAVEL TO AND FROM MANISTEE FOR MOTION (ONE HOUR MAXIMUM EACH WAY).	2.00 hrs
07/16/18	PDB	ATTEND COURT FOR OUR SUMMARY DISPOSITION MOTION AND WAITING FOR CASE TO BE CALLED.	1.20 hrs
07/16/18	PDB	REVIEW OF FILE AND PREPARATION FOR SUMMARY DISPOSITION MOTION HEARING.	1.00 hrs
07/17/18	PDB	REPORT TO COMPANY RE CASE AND SUMMARY DISPOSITION MOTION.	0.30 hrs
07/17/18	PDB	DRAFTING ORDER RE: SUMMARY DISPOSITION MOTION AND LETTER TO ATTORNEY RE: SAME.	0.70 hrs
07/18/18	PDB	REVIEW OF MEDIATION STATUS REPORT.	0.10 hrs
07/18/18	JN	REVIEW OF CORRESPONDENCE FROM ATTORNEY PORTNOY RE: STATUS OF SENDING CHECK FOR SANCTIONS.	0.10 hrs
07/22/18	PDB	CORRESPONDENCE TO COMPANY RE: CASE AND ORDER.	0.20 hrs
07/30/18	PDB	REVIEW OF INVOICE FROM MEDIATOR AND LETTER TO COMPANY RE: SAME.	0.30 hrs
07/31/18	PDB	CORRESPONDENCE TO MATT S. ALONG WITH COPY OF SUMMARY DISPOSITION ORDER.	0.20 hrs
08/01/18	PDB	CORRESPONDENCE TO COMPANY RE: MEDIATORS STATEMENT.	0.20 hrs
08/13/18	PDB	DRAFTING MOTION FOR OFFER OF JUDGMENT SANCTIONS AND RELATED DOCUMENTS.	1.50 hrs
		Total Fees	18.30 hrs
DISBURSEMENTS			
06/07/18		CLIENT COSTS ADVANCED-- CK#26994 -- SANDRA JO FRANKLIN -- CASE EVALUATION FEE	\$25.00
06/07/18		CLIENT COSTS ADVANCED-- CK#26995 -- JANE M. JOHNSON -- CASE EVALUATION FEE	\$25.00
06/07/18		CLIENT COSTS ADVANCED-- CK#26996 -- WILLIAM N. GRANT -- CASE EVALUATION FEE	\$25.00
07/09/18		CLIENT COSTS ADVANCED-- CK#27142 -- SANDRA JO FRANKLIN -- CASE EVALUATION LATE FEE	\$50.00
07/09/18		CLIENT COSTS ADVANCED-- CK#27143 -- WILLIAM N. GRANT -- CASE EVALUATION LATE FEE	\$50.00

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07/09/18	CLIENT COSTS ADVANCED-- CK#27144 -- JANE M. JOHNSON -- CASE EVALUATION LATE FEE		\$50.00
07/12/18	MILEAGE CHARGES-- TRAVERSE CITY / MEDIATION # OF MILES: 280 RATE APPLIED: .545 PER MILE		\$152.60
07/16/18	MILEAGE CHARGES-- MANISTEE / MOTION # OF MILES: 255 RATE APPLIED: .545 PER MILE		\$138.98
08/01/18	CLIENT COSTS ADVANCED-- CK#27251 -- SWOGGER BRUCE MILLER LAW FIRM -- MEDIATOR FEE		\$367.50
Total Disbursements			\$884.08
BILLING SUMMARY			
TOTAL FEES			
TOTAL DISBURSEMENTS			\$884.08
CHARGES FOR THIS INVOICE			
CREDIT BALANCE APPLIED			
TOTAL AMOUNT NOW DUE			

PLEASE NOTE BILL NUMBER ON YOUR CHECK. PAYMENT IS DUE UPON RECEIPT. THANK YOU.